

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

DIADRA KISER, as Personal)
Representative of the Estate)
of Thomas G. Kiser, Deceased,)
)
 Plaintiff,)
)
 v.) Case No. CIV-07-256-RW
)
 MILL CREEK ENTERPRISES, INC.,)
 an Oklahoma corporation,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On September 8, 2008, United States District Judge Ronald A. White entered judgment in favor of Plaintiff and against Defendant in the amount of \$1,335,000.00. A writ of execution was entered on the Judgment on November 7, 2008. Thereafter, the Judgment Debtor, through its President, Leonard Fullager, was ordered to appear before the undersigned United States Magistrate Judge by Judge White on December 16, 2008 for a hearing on assets. While Mr. Fullager appeared and was examined by the Judgment Creditor's counsel, counsel filed a document entitled "Plaintiff's Aid to the Magistrate Regarding Post-Judgment Collection Proceedings" on January 22, 2009 which set forth the various documentation that Mr. Fullager failed to produce in contravention of the order entered by the Court. As a result, the asset hearing was continued to January 29, 2009 then continued once again to February 9, 2009 due to inclement weather.

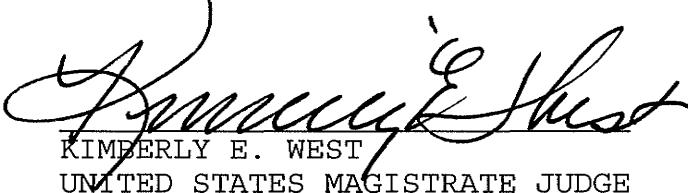
At the February 9, 2009 asset hearing, Mr. Fullager appeared,

again without producing some of the financial documents he was ordered to produce. It is, therefore, the finding of this Court that Mr. Fullager is in violation of this Court's Order to produce financial documents at the designated asset hearing. Because Mr. Fullager has failed to produce the documents as ordered and failed to provide a justifiable reason for the failure, this Court recommends that the Judgment Debtor be barred from using any additional documents not produced at the asset hearing for any purpose in this case.

BASED UPON THE FOREGOING, IT IS THE RECOMMENDATION OF THE UNDERSIGNED that the Judgment Debtor be barred from using any document not produced at the asset hearings conducted set in this case.

The parties are herewith given ten (10) days from the date of the service of this Report and Recommendation to file with the Clerk of the court any objections, with supporting brief. Failure to object to the Report and Recommendation within ten (10) days will preclude appellate review of the findings made herein.

IT IS SO ENTERED this 27th day of February, 2009.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE